

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHUCK BOOMS,)	Case No. 1:23-cv-2099
)	
Plaintiff,)	Judge J. Philip Calabrese
)	
v.)	Magistrate Judge Reuben J. Sheperd
)	
GRAY LOCAL MEDIA, INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	

ORDER

On February 6, 2025 Plaintiff moved to dismiss Defendant Gray Local Media with prejudice under Rule 41(a)(2). (ECF No. 48.) After a defendant has filed an answer or a motion for summary judgment, a plaintiff may obtain a voluntary dismissal “only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). This type of dismissal generally is without prejudice. *Id.* Requiring court approval “protect[s] the nonmovant from unfair treatment.” *Grover by Grover v. Eli Lilly & Co.*, 33 F.3d 716, 718 (6th Cir. 1994) (citation omitted). Whether to grant dismissal “is within the sound discretion of the district court.” *Id.* (citing *Banque de Depots v. National Bank of Detroit*, 491 F.2d 753, 757 (6th Cir. 1974)).

In exercising this discretion, courts consider whether “the defendant would suffer ‘plain legal prejudice’ as a result of a dismissal without prejudice, as opposed to facing the mere prospect of a second lawsuit.” *Id.* (citation and quotation omitted). But the prospect of legal prejudice need not be considered where, as here, the plaintiff

is moving for dismissal with prejudice. *Crenshaw v. Portfolio Recovery Assocs., LLC*, 433 F. Supp. 3d 1057, 1062 (W.D. Ky. 2020).

Here, Plaintiff moves to dismiss with prejudice, alleviating the Court of the need to examine plain legal prejudice. Accordingly, in the exercise of its discretion, the Court **DISMISSES** Defendant Gray Local Media with prejudice. Doing so moots its pending motion for summary judgment (ECF No. 37) and Plaintiff's motion for an extension (ECF No. 40) and under Rule 56(d) (ECF No. 46). Therefore, the Court **DENIES AS MOOT** each of these motions.

SO ORDERED.

Dated: February 7, 2025



J. Philip Calabrese
United States District Judge
Northern District of Ohio